

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 20th day of October, 2009 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Jeff Dredge,	Council Chair
Krista Dunn,	Council Member
Pat Griffiths,	Council Member
Robbie Robertson,	Council Member - Conducted
Jim Brass,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Janet Lopez,	City Council Office
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Pat Wilson,	Finance Director
Gu Rodriguez,	Fire Chief
Sharrie Van Bibber,	Murray Youth Council
Citizens	

A. OPENING CEREMONIES

1. Pledge of Allegiance - Patricia Wilson, Finance Director
2. Approval of Minutes of September 22, 2009, with minor corrections.
Ms. Griffiths made a motion to approve the minutes.
Mr. Brass 2nd the motion.

Call vote recorded by Ms. Heales

All Ayes

3. Special Recognitions:

1. **Consider a Joint Resolution of the Mayor and the Municipal Council of Murray City, Utah Recognizing and Declaring October 24, 2009 as the Exchange Club's National Day of Service in Murray, Utah**

Mr. Robertson read the Resolution in its entirety.

Mr. Brass made a motion to adopt the Resolution.
Mr. Dredge 2nd the motion.

Call vote recorded by Carol Heales:

<u>A</u>	Mr. Brass
<u>A</u>	Ms. Griffiths
<u>A</u>	Ms. Dunn
<u>A</u>	Mr. Dredge
<u>A</u>	Mr. Robertson

Motion passed 5-0

Mayor Snarr thanked Ms. Van Bibber and the Exchange Club for all of their very special service projects for those who don't have the means to take care of some of those things that need to be done on their properties, or to take care of bridges that need to be repainted and taken care of as well. The City appreciates all of their hard work and on behalf of the Mayor and the City Council, presented the Joint Resolution, recognizing the Exchange Club.

Ms. Van Bibber stated that they will be kicking off on October 24th, 2009, meeting at Zions Bank on 5600 S. State Street at 9:00 a.m.; they have one house right now, but will continue throughout the year, doing homes that need service. The Exchange Club is a National Service Group, there are 800 across the United States, whose main focus is Americanism; they give away flags and educate people on the use of the flag, and its history. Prevention of child abuse is the main focus, involving the youth of the community in service. Ms. Van Bibber invited anyone who would like to get involved, to come out on Saturday and help; they have a lot of fun. Their last project, they cleaned up the creek behind the hospital, and this project will be much easier than the logs that the arborists cut down on that project.

B. CITIZEN COMMENTS (Comments are limited to 3 minutes unless otherwise approved by the Council.)

None given

Public Comment closed.

C. CONSENT AGENDA

None scheduled

D. PUBLIC HEARINGS

None Scheduled

E. UNFINISHED BUSINESS

None scheduled

F. NEW BUSINESS

1. Consider a Resolution adopting the “2008 Wasatch Front Natural Hazard Pre-Disaster Mitigation Plan” as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000.

Mr. Nakamura stated that the word “Natural” in the Resolution should be replaced with the word “All”, and for the record, will be corrected to read: “2008 Wasatch Front All Hazard Pre-Disaster Mitigation Plan”.

Staff presentation: Gil Rodriguez, Fire Chief

Chief Rodriguez stated that nowadays, we are all about emergency operations, and when you talk about all hazards, we are about all hazards. Hopefully, we never have to use all of this training that we have, but one of the reasons we have to adopt this Resolution is that if anything does happen, we need to be reimbursed by the Federal Government. He can say that the City staff has been very good and diligent, really stepping up to take a lot of the classes that they have been offering, and everyone is getting an eye-opener of really how much there is.

We are being prepared, and that is why they are here today, to ask that this Resolution be passed.

Ms. Dunn made a motion to adopt the Resolution.
Ms. Griffiths 2nd the motion.

Call vote recorded by Carol Heales:

<u>A</u>	Mr. Brass
<u>A</u>	Ms. Griffiths
<u>A</u>	Ms. Dunn
<u>A</u>	Mr. Dredge
<u>A</u>	Mr. Robertson

Motion passed 5-0

Mr. Robertson said that they appreciate all that the Chief and his crew do for the City, and if they ever one of those things, we will all be grateful for all the training and capabilities of his people.

2. **Consider an Ordinance amending Title 1 of the Murray City Municipal Code.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that he has been looking back at the Code, those areas that we have not had to specifically deal with, because it had to deal with a specific issue. He has had the opportunity to have an intern in his office this summer to begin looking at the Code and the language, and what he has done is started with Title 1 and began cleaning up the language. They have not touched this for many, many years; it is a matter of updating the language and eliminating some terms that they have deemed were somewhat archaic.

Mr. Nakamura added that they will be proceeding throughout the Code, and that they will be coming before the Council periodically bring updates to the existing Ordinances.

Ms. Griffiths made a motion to adopt the Ordinance.
Mr. Brass 2nd the motion.

Call vote recorded by Carol Heales:

A Mr. Brass
A Ms. Griffiths
A Ms. Dunn
A Mr. Dredge
A Mr. Robertson

Motion passed 5-0

3. Consider an Ordinance amending Chapter 2.02 of the Murray City Municipal Code relating to administrative provisions generally.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that again, for the reasons stated on the previous Ordinance, this is to clean up some language, trying to use terminology that now appears in the Utah Code, and it is a chapter that they have not addressed in many years.

Mr. Dredge made a motion to adopt the Resolution.
Ms. Dunn 2nd the motion.

Call vote recorded by Carol Heales:

A Mr. Brass
A Ms. Griffiths
A Ms. Dunn
A Mr. Dredge
A Mr. Robertson

Motion passed 5-0

4. Consider an Ordinance amending Sections 2.04.010, 2.04.020, 2.04.030 of the Murray City Municipal Code relating to the City Council.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said that, again, this is an update, but it is a little different in that the Utah Legislature, a few years ago with the assistance of the

League, rewrote the Statutes as it related to the powers and duties of the Council and the Mayor; that being the executive and legislative powers, what the Legislature did was, that they were more specific as to those duties and responsibilities and reflected case law. When these were initially enacted, the Ordinance was just at the beginning of the adoption of the Mayor / Council form of government, since then, there have been case laws that have been decided that clarified what those functions were. As a result of that, the Legislature with the help of the league, went and drafted the Utah Code, and put some very specific provisions in there, and this is what is. It not only reflects some of the language that appears in the City Council portion of the Code, but is also indirectly taking some language from the Mayor's duties; because in that, it specifies what the limits of the Mayor's authority is and we put that in there.

Mr. Nakamura stated that the key provision, and Mike Wagstaff was involved in reviewing this as well, is that some of the general policy provisions, which is the power of the Council to set general policy for the City, and the Mayor's responsibility to implement general policy. These are the key provisions in this.

Ms. Griffiths made a motion to adopt the Ordinance.
Mr. Dredge 2nd the motion.

Call vote recorded by Carol Heales:

<u>A</u>	Mr. Brass
<u>A</u>	Ms. Griffiths
<u>A</u>	Ms. Dunn
<u>A</u>	Mr. Dredge
<u>A</u>	Mr. Robertson

Motion passed 5-0

5. Consider an Ordinance amending Chapter 2.06 of the Murray City Municipal Code relating to City officers generally.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that, again, this is an update to become consistent with the State law; you will see that there are some changes in the terms of some of the bonding requirements. There are some specific provisions

regarding bonds on the Finance Director and the Treasurer, which are a little different from the others; Mr. Nakamura believes that they have that taken care of on our bonding for that. Other than that, it is clean-up, and use of consistent language; in other words, City Council rather than using that in different ways in the City, just brining some consistency in the City Code.

Mr. Brass made a motion to adopt the Ordinance.
Ms. Griffiths 2nd the motion.

Call vote recorded by Carol Heales:

A Mr. Brass
A Ms. Griffiths
A Ms. Dunn
A Mr. Dredge
A Mr. Robertson

Motion passed 5-0

6. Consider an Ordinance amending Chapter 2.08 of the Murray City Municipal Code relating to the Mayor.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that this Ordinance looks like there have been more changes, but this is actually the major changes in the Legislation; the Legislature amended the statutes. It is mainly related to the Mayor's powers and duties; as this is outlined here, this appears in State Law. Again, this was looked at by the Mayor's office, and by Mike Wagstaff, and Mr. Robertson provided some input as well. Some of the changes have to do with some of the City's reporting requirements; we have had a practice of the way we have reported back to the Council in some of our annual reports, and our practice has been different from what the Ordinance has outlined.

They have updated this in this Ordinance, in terms of the reporting requirements being consistent with what we have been doing over the years; the duties and responsibilities are those that are spelled out in State Law. In terms of critical events that happen in the City, there is a requirement that the Mayor report those events to the Council, which he

feels has been going on from Ms. Wells communications to the Council. This was inserted into the Ordinance on Mr. Robertson's suggestion.

Ms. Dunn made a motion to adopt the Ordinance.
Mr. Dredge 2nd the motion.

Call vote recorded by Carol Heales:

<u>A</u>	Mr. Brass
<u>A</u>	Ms. Griffiths
<u>A</u>	Ms. Dunn
<u>A</u>	Mr. Dredge
<u>A</u>	Mr. Robertson

Motion passed 5-0

G. MAYOR'S REPORT

Mayor Snarr noted that while he was reading this Ordinance, he does have the power to release a person imprisoned for a violation of City Law, and asked if that would apply to Ralph Clark today?

Mayor Snarr stated that he had received a call from Costco yesterday, and the Chief Executive of Costco is coming to town next Tuesday, and the Mayor was asked if he could take him around the City and show him some of the things that are going on in Murray. He said that it is amazing the things that have changed that he isn't aware of; So, the Mayor took him down to the Fireclay area and explained to him the challenges and potentials of that area, and he thought that was incredible. They discussed the possibilities of other areas in the City, a little about the financial condition of the Mall, which is important to them. As you are aware, the Mall has settled with the creditors, and the liens will basically be removed from the property with an understanding that all of the debt will be satisfied by the Spring of 2010. They did not specifically say when, but that was unusual as when you are in Chapter 11 Bankruptcy, you freeze all of the assets of the company, and it has to be given by the court to the entity of which is in Chapter 11, the right to spend any of those monies until they come up with a solution of how they will come out of bankruptcy. They said they would be out of that, and the company would be reorganized sometime in the Spring, but in the meantime they are going to go ahead and begin making payments to those people who have performed work on the

Nordstrom's and the Mall in general. Steven Overback called the Mayor today, and he had asked if this had a negative impact, and the Mayor said that the Mall had indicated they are doing very well...at least Nordstrom's said they are doing well and the other portions seem to be doing well, the numbers are strong from The Cheesecake Factory and other businesses down in the buckle.

The Mayor will be meeting with the Executive sometime that day, and will avail himself to him. Costco said that he is the only Mayor to do that for them, and the Mayor stated that he wants them to know how much the City appreciate what they have been able to do for the community and how well maintained that store is; it is the best landscaped Costco in Utah without a doubt.

There are some nice things that are going to happen in the City, it is just a matter of us bearing through these challenging times, and we will come out of it looking really good.

H. QUESTIONS OF THE MAYOR

Mr. Robertson said that the Mayor could take him over and buy him a hotdog at Costco. Mayor Snarr stated that it is interesting how many people are over there. When he went to pick him up today, almost every lane were packed. He thought this was unusual, but he said that they start to pick up about this time of year.

Mr. Robertson said that Costco has been a real blessing to our City through these hard times.

Mayor Snarr stated that they are a little concerned about the Winco, but they will track that over the next few months. The Mayor had asked why it was so busy on this day, and was told that it is a super coupon day, something he didn't know that they had that; people had massive truck items that they were purchasing.

ADJOURNMENT